



**Government of South Australia**

Office of the Guardian  
for Children and Young People

Snapshot of South Australian  
Aboriginal Children and Young People  
in Care and/or Detention from the  
*Report on Government Services 2020*

May 2020

Guardian for Children and Young People & Training Centre Visitor

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## NOTES

### 1. South Australian Community Preference

Community preference in South Australia is that the term 'Aboriginal' is inclusive of Torres Strait Islander people, a usage we generally adopt in this report. The fuller description and the term 'Indigenous' is used if quotations are given from other sources.

### 2. Change in the scope of out-of-home care for 2018-19 reporting

National reporting on out-of-home care (OOHC) has been subject to substantial issues regarding data comparability because of variations across jurisdictions in the legislation that determines policies and practices in the out-of-home care system. These have particularly related to children who are on third-party parental responsibility orders.

For national reporting purposes, 'out-of-home care' has previously been defined as 'overnight care for children aged less than 18 years who were unable to live with their families due to child safety concerns.' However, the following new definition will apply to data reported for children in out-of-home care for 2018-19 –

'Overnight care for children aged less than 18 years who were unable to live with their families due to child safety concerns.' This includes placements approved by the Department responsible for child protection for which there is ongoing case management and financial payment (including where a financial payment has been offered but has been declined by the carer). This includes legal (court ordered) and voluntary placements, and placements made for the purposes of providing respite for parents or carers.

Other living arrangements that were previously included in the scope of out-of-home care will be reported separately as 'other supported placements'.

Reporting against this scope will result in some jurisdictions reporting **fewer** children in out-of-home care in 2018-19 compared to previous years. The most significant difference relates to the exclusion of children in third-party parental responsibility arrangements, noting that some jurisdictions have already excluded these children from national reporting on out-of-home care (Victoria from 2017-18, NSW from 2014-15, and WA for all years).<sup>1</sup>

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<sup>1</sup> Productivity Commission *Report on Government Services 2020* Part F, Section 16, p 16.4

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## 1. Introduction

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This report provides a snapshot of data published in the Productivity Commission's *Report on Government Services 2019* (ROGS 2020),<sup>2</sup> and makes this information more accessible to those interested in the circumstances of vulnerable Aboriginal children and young people in South Australia.

ROGS 2020 presents information about Aboriginal children and young people as clients of child protection services and youth justice services. Both areas are relevant to the work of the Guardian for Children and Young People and Training Centre Visitor.

The significant overlap of Aboriginal children and young people across these two systems requires policy responses that address the factors of intergenerational trauma and entrenched disadvantage.

The Family Matters Report 2019 highlights the ongoing 'crisis of Aboriginal children being over-represented in the child protection systems as it continues to escalate at an alarming rate. Current projections indicate that the population of Aboriginal children in out-of-home care will double in size over the next 10 years'.<sup>3</sup> This over-representation 'is a result of a complex range of factors related to inter-generational experiences of trauma, poverty and disadvantage for families and communities and under-representation in universal prevention and early intervention services'.<sup>4</sup>

In her report *OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people* the Victorian Ombudsman stated that 'the experience of Aboriginal youth is particularly distressing, not only the over-representation of these people within the system, but against the backdrop or particularly challenging life circumstances including high rates of exposure to child protection, family violence, and loss of culture'.<sup>5</sup>

The very high proportion of Aboriginal children and young people in the youth justice system continues to be concerning, with the Australian Institute of Health and Welfare noting that nationally:

About 57 per cent of young people aged 10-17 in detention were Aboriginal. This trend was fairly consistent over the four year period from the June quarter 2015 to the June quarter 2019 in which 55 to 62 per cent of young people aged 10-17 in detention were Aboriginal. Over the same period only 6 per cent of the Australian population of young people aged 10-17 were Aboriginal.<sup>6</sup>

As with previous years, the Productivity Commission again urges caution about assuming either completeness or direct comparability of data reported for the various jurisdictions or that it is all of equivalent quality. Readers should consult the notes provided with an applicable ROGS 2020 table prior to drawing definitive conclusions about the implications of data presented. This is particularly the case for cross jurisdictional comparisons or where the number of individuals recorded for some jurisdictions is too small to be of much probative or comparative value.

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<sup>2</sup> Productivity Commission *Report on Government Services 2020* Part F, Sections 16 ([child protection services](#)) and 17 ([youth justice services](#)).

<sup>3</sup> Secretariat of National Aboriginal and Islander Child Care *The Family Matters Report 2019* Part 1.4, p 38.

<sup>4</sup> *Ibid* Part 1.2, p 29.

<sup>5</sup> Deborah Glass OBE, Victorian Ombudsman *OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people* September 2019 p 22 (paragraph 66). Available [here](#).

<sup>6</sup> Australian Institute of Health and Welfare 'Youth detention population in Australia 2019' Bulletin 148, February 2020, p 11. Available [here](#).

## 2. Summary Statements

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### 2.1 Aboriginal children and young people as a proportion of the South Australian population

Aboriginal children and young people comprise approximately 5 per cent of the total population of children and young people aged 0-17 in South Australia.<sup>7</sup>

### 2.2 Aboriginal children and young people in care

Information from ROGS 2020 allows us to say a number of things about the profile and situation of Aboriginal 0–17 year olds in care in South Australia

- of the 3,988 children and young people in care services at 30 June 2019, 34.2 per cent were Aboriginal and 65.2 per cent were non-Aboriginal (0.6 per cent were not identified) (Chart 1)
- Aboriginal 0-17 year olds continue to be over-represented of all those in care services (Chart 2)
- there is a worsening *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system. The rate of Aboriginal 0-17 year olds in care services per 1,000 children increased from 49 to 76.7 compared to 5.6 to 7.4 for non-Aboriginal 0-17 year olds between 2014-15 and 2018-19 (Chart 3)
- the 2018-19 disproportionality ratio between Aboriginal and non-Aboriginal children and young people in care services was 7.3, the highest recorded ratio since 2014-15 (Chart 5)
- the proportion of Aboriginal children and young people who were placed in accordance with the Aboriginal Child Placement Principle at 30 June 2019 was 62.7 per cent (a significant decline since 2009 when 76.4 per cent were placed in accordance with the Aboriginal Child Placement Principle) (Chart 7)
- 208 Aboriginal children and young people comprised 36.6 per cent of all children and young people in residential care at 30 June 2019 (Chart 10)
- 38.5 per cent of the 1,363 Aboriginal 0-17 year olds in continuous care services placements at 30 June 2019 had been in that situation for five years or more, a *lesser* proportion than that of equivalent non-Aboriginal children and young people (43.7 per cent) (Chart 11)
- Just under one-third of the 1,363 Aboriginal 0-17 year olds who had been in continuous out-of-home care at 30 June 2019 had been in that situation for less than two years (Chart 12).

### 2.3 Aboriginal 10 to 17 year olds in detention-based youth justice supervision

Some features of the participation of Aboriginal 10 – 17 year olds in detention-based youth justice supervision in South Australia are that -

- the daily average proportion of Aboriginal compared to non-Aboriginal 10 to 17 year olds in detention in 2018-19 was 60.7 and 39.3 per cent respectively (Chart 13)

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<sup>7</sup> Based on 2019 estimates. See ABS, 3238.0 Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2006 to 2031 <<https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3238.02006%20to%202031?OpenDocument>> and 3218.0 - Regional Population Growth, Australia, 2017-18 <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3218.02017-18?OpenDocument>>.

- the rate of Aboriginal 10 to 17 year olds in detention per 10,000 young people in South Australia in 2018-19 declined to its lowest rate in five years to 22.3 (Chart 15)
- the average rate of 10 to 17 year olds in detention per 10,000 young people in South Australia was 22.3 for Aboriginal compared with 0.7 for non-Aboriginal children and young people in 2018-19. This means that Aboriginal children and young people are 32 times more likely to be in detention than non-Aboriginal children and young people (Chart 16)
- there has been a relatively consistent relationship between the average daily number of Aboriginal 10 to 17 year olds under community based supervision orders compared to those who are held in detention (Chart 17)
- South Australia spent less per child or young person aged 10 to 17 years in the population on detention-based youth justice services compared to the national average (Chart 18).

### 3. The Charts

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#### 3.1 List of charts for child protection services

All data presented is drawn from Part F, Section 16 of the *Report on Government Services 2020*. All charts provide a reference for the applicable *ROGS 2020* source table.

- Chart 1** Proportion of Aboriginal and non-Aboriginal 0-17 year olds in care services in South Australia at 30 June 2019
- Chart 2** Number of Aboriginal and non-Aboriginal 0-17 year olds in care services, South Australia 2014-15 to 2018-19
- Chart 3** Rate of Aboriginal and non-Aboriginal 0-17 year olds in care services per 1,000 children in South Australia, 2014-15 to 2018-19
- Chart 4** Rate of Aboriginal and non-Aboriginal 0-17 year olds in care services per 1,000 children at 30 June 2019, all jurisdictions
- Chart 5** Disproportionality ratio – Aboriginal children and young people in out-of-home care, South Australia 2014-15 to 2018-19
- Chart 6** Care services placements in accordance with the Aboriginal Child Placement Principle, South Australia at 30 June 2015 to 2019
- Chart 7** Proportion of eligible children placed in care services in accordance with the Aboriginal Child Placement Principle, South Australia at 30 June 2019
- Chart 8** Proportion of eligible children placed in out-of-home care in accordance with the Aboriginal Child Placement Principle, South Australia and Australia at 30 June 2009 to 2019
- Chart 9** Comparative out-of-home care placement rate in accordance with the Aboriginal Child Placement Principle, all jurisdictions at 30 June 2019
- Chart 10** Number of children in care services by placement type and Aboriginal status, South Australia at 30 June 2019
- Chart 11** Comparative time spent by Aboriginal and non-Aboriginal 0-17 year olds in continuous, non-respite care services placements, South Australia at 30 June 2019
- Chart 12** Proportion of time spent in continuous non-respite care services placements by Aboriginal 0-17 year olds in South Australia at 30 June 2019



### 3.2 List of charts for youth justice services

All data presented is drawn from Part F, Section 17 of the *Report on Government Services 2020*. All charts provide a reference for the applicable *ROGS 2020* source table.

- Chart 13** Daily average number of Aboriginal and non-Aboriginal 10-17 year olds in detention by jurisdiction, 2018-19
- Chart 14** Daily average rates of detention of Aboriginal 10-17 year olds per 10,000 young people, across jurisdictions 2014-15 to 2018-19
- Chart 15** Daily average detention rate of Aboriginal 10-17 year olds per 10,000 young people, South Australia and Australia 2014-15 to 2018-19
- Chart 16** Daily average rate of Aboriginal compared to non-Aboriginal 10-17 year olds in detention per 10,000 young people in South Australia 2014-15 to 2018-19
- Chart 17** Daily average number of Aboriginal 10-17 year olds under community based supervision compared to those in detention South Australia 2014-15 to 2018-19
- Chart 18** Real expenditure per child aged 10-17 years in the population on detention based youth justice services South Australia compared to Australia 2014-15 to 2018-19
- Chart 19** Real expenditure per child aged 10-17 years in the population on detention based youth justice services, all jurisdictions compared to Australian average, 2018-19

## 4. Child Protection Services

### 4.1 Overview of Aboriginal children and young people in care

For the purpose of ROGS 2020, child protection services “provide supports and interventions to promote child and family wellbeing, and to protect children and young people aged 0-17 years who are at risk of abuse and neglect within their families, or whose families do not have the capacity to provide care and protection.”<sup>8</sup> Child protection services are presented within four program areas –

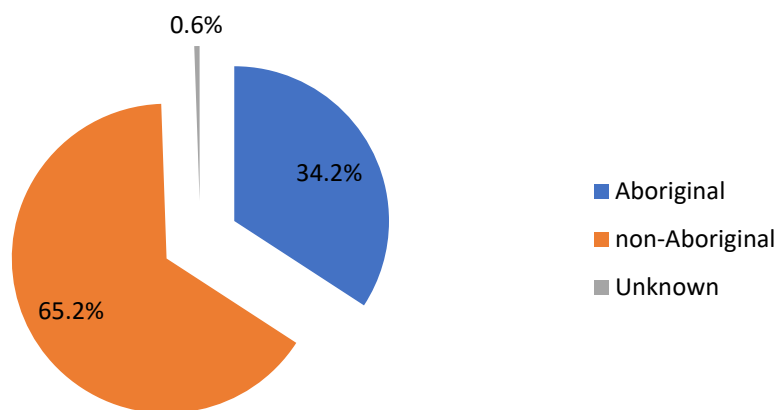
- protective intervention services
- family support services
- intensive family support services; and
- care services<sup>9</sup>.

Information from the ROGS 2020 allows us to say a number of things about Aboriginal children and young people who receive such services as they appear within the overall cohort of 0–17 year olds in care in South Australia.

Chart 1 demonstrates that of the 3,988 children and young people in care services at 30 June 2019, 1,338 (34 per cent) were Aboriginal and 2,437 (65 per cent) non-Aboriginal. Another 22 individuals were shown as ‘unknown’.

**Chart 1** (ROGS 2020, Table 16A.2)

Proportion of Aboriginal and non-Aboriginal 0-17 year olds in care services South Australia at 30 June 2019

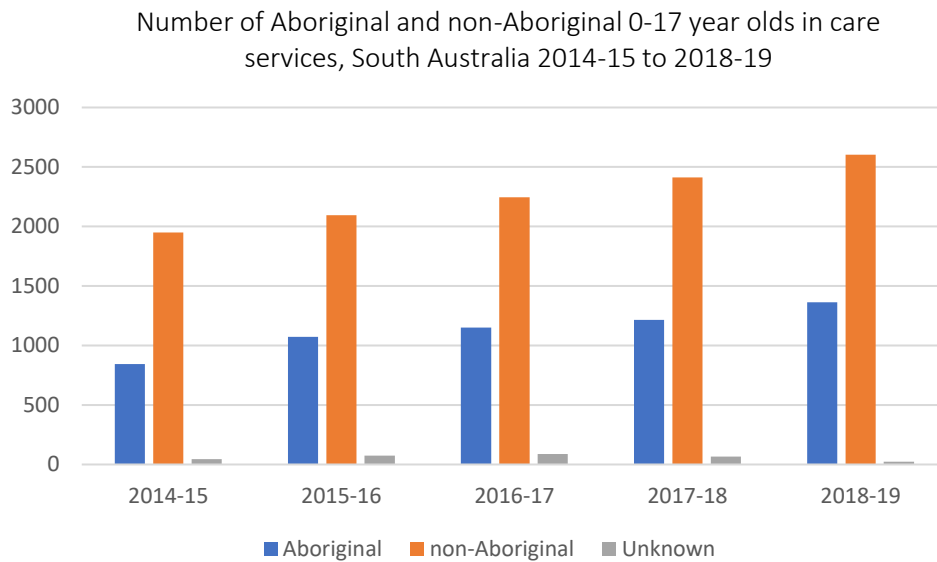


<sup>8</sup> Productivity Commission *Report on Government Services 2020* Part F, Section 16, p 16.1.

<sup>9</sup> Due to the change in definition of ‘out of home care’ (see Note 2), ROGS now reports on ‘care services’ which includes those in out of home care, and other supported placements.

Chart 2 shows the continued over-representation of Aboriginal compared to non-Aboriginal 0-17 year olds in care services over time.

**Chart 2** (ROGS 2020, Table 16A.2)



The rate of Aboriginal 0 to 17 year olds in care services per 1,000 children increased from 49 to 76.7 compared to 5.6 to 7.4 for non-Aboriginal 0 to 17 year olds between 2014-15 and 2018-19. This illustrates the continued worsening *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system.

**Chart 3** (ROGS 2020, Table 16A.2)

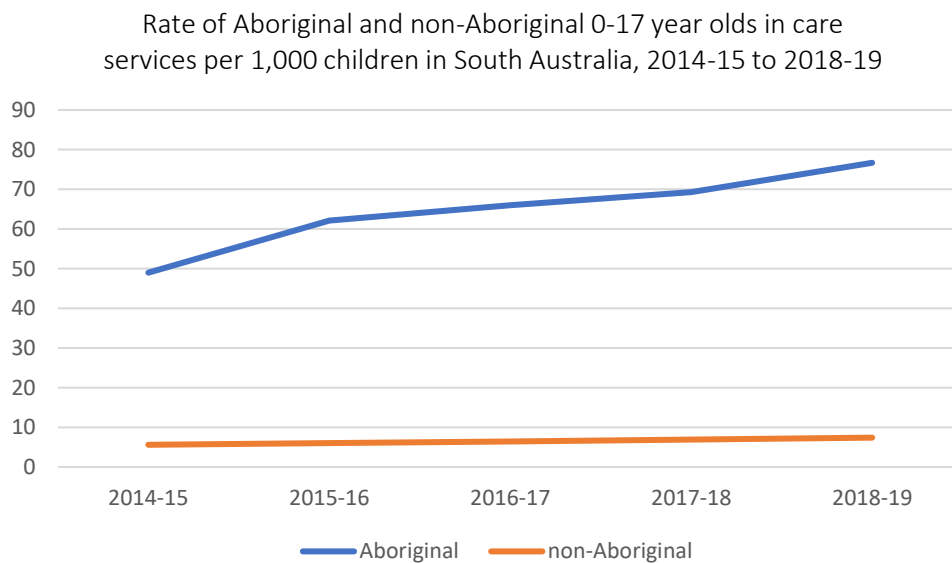
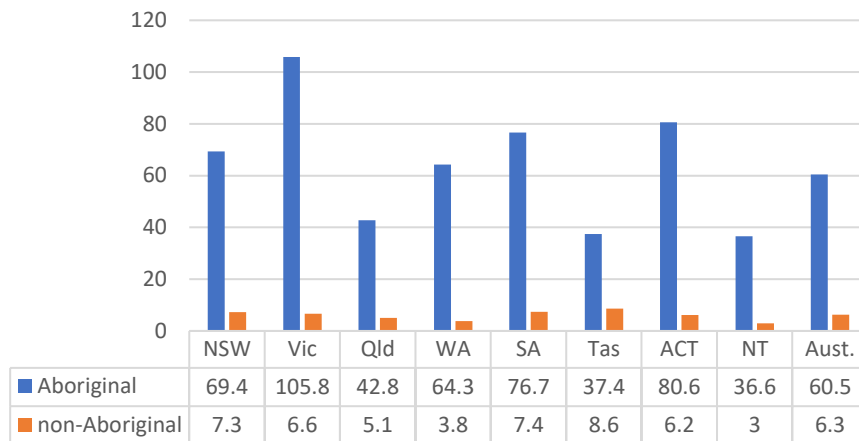


Chart 4 demonstrates the disparity between the rate of Aboriginal compared to non-Aboriginal 0 to 17 year olds per 1,000 children in care services on 30 June 2019 across all jurisdictions.

**Chart 4** (ROGS 2020, Table 16A.2)

Rate per 1,000 children in population, Aboriginal and non-Aboriginal 0-17 year olds in care services at 30 June 2018-19, all jurisdictions

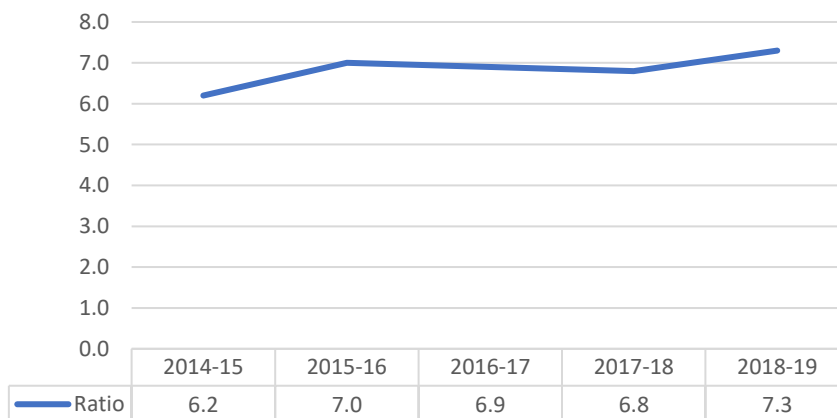


## 4.2 Disproportionality ratio

The 2018-19 disproportionality ratio<sup>10</sup> between Aboriginal and non-Aboriginal children and young people in out-of-home<sup>11</sup> care in South Australia was 7.3, the highest recorded ratio since 2014-15.

**Chart 5** (ROGS 2020, Table 16A.9)

Disproportionality Ratio - Aboriginal children and young people in out-of-home care, South Australia 2014-15 to 2018-19



<sup>10</sup> The disproportionality ratio is calculated by dividing the proportion of Aboriginal children in out-of-home care with their proportion in the overall SA child population. See Productivity Commission *Report on Government Services 2020 Part F*, Box 16.3, p 16.8.

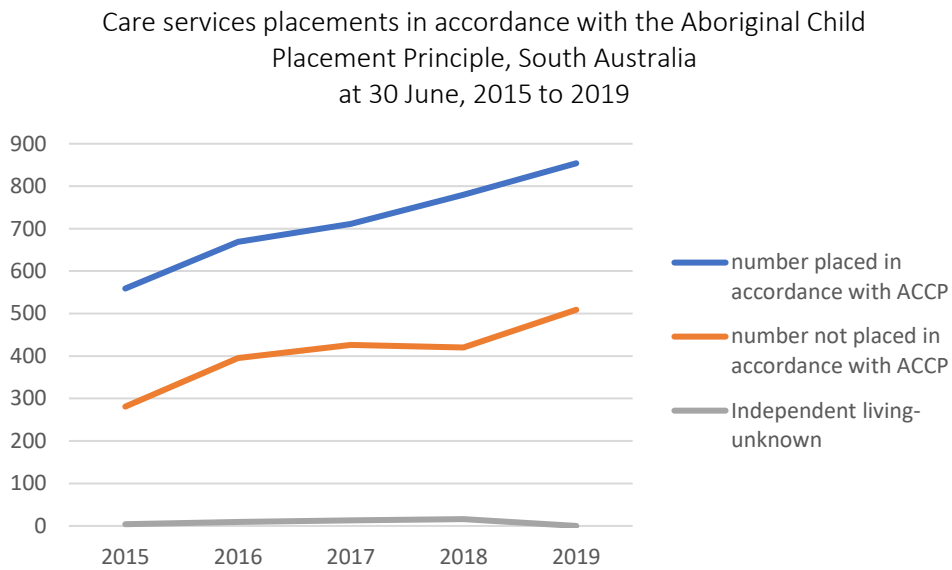
<sup>11</sup> See changes in definition of out-of-home care in Note 2.

### 4.3 The Aboriginal Child Placement Principle

The Productivity Commission urges caution about interpreting references to the Aboriginal Child Placement Principle, warning that it is reporting the placement *outcomes* of Aboriginal and Torres Strait Islander children rather than *compliance* with the principle.<sup>12</sup>

Chart 6 shows the number of Aboriginal children and young people placed in accordance, and those not placed in accordance with the Aboriginal Child Placement Principle in South Australia from 2015 to 2019.

**Chart 6** (ROGS 2020, Table 16A.21)

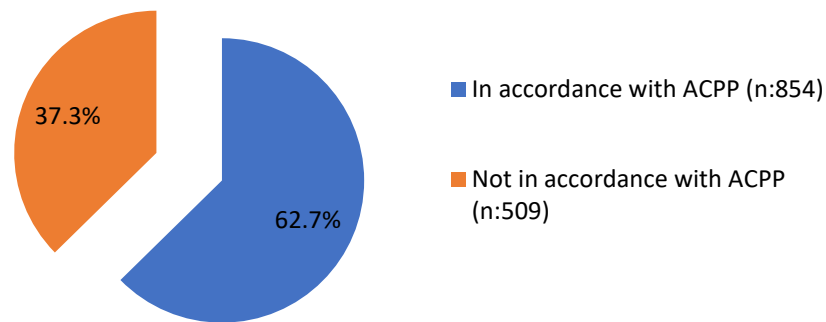


<sup>12</sup> Productivity Commission *Report on Government Services 2020* Part F, Section 16, Box 16.10, p 16.20.

At 30 June 2019, only 62.7 per cent (854 of a possible 1,363) of eligible children were placed in accordance with the Aboriginal Child Placement Principle, as shown below in Chart 7.

**Chart 7** (ROGS 2020, Table 16A.21)

Proportion of eligible children placed in care services in accordance with the Aboriginal Child Placement Principle South Australia at 30 June 2019



Over the last 10 years, there has been a decline in the proportion of Aboriginal children and young people placed in out-of-home care (not including other supported placements) in accordance with the Aboriginal Child Placement Principle in *both* South Australia, and nationally, as Chart 8 demonstrates.

*Please note that data for NSW was not available under the category of care services (out-of-home-care and other supported placements), so for the sake of comparability, charts eight and nine use data of those in out-of-home-care only (see note 2).*

**Chart 8** (ROGS 2020, Table 16A.21)

Proportion of eligible children placed in out-of-home care in accordance with the Aboriginal Child Placement Principle South Australia and Australia at 30 June, 2009 to 2019

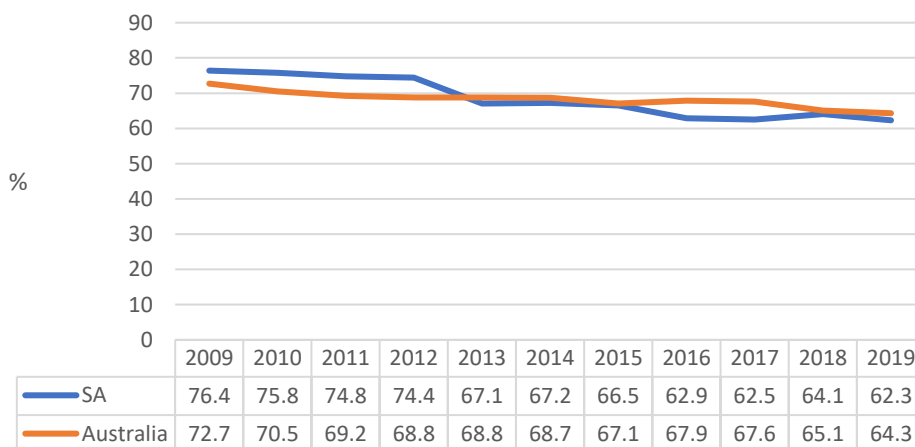
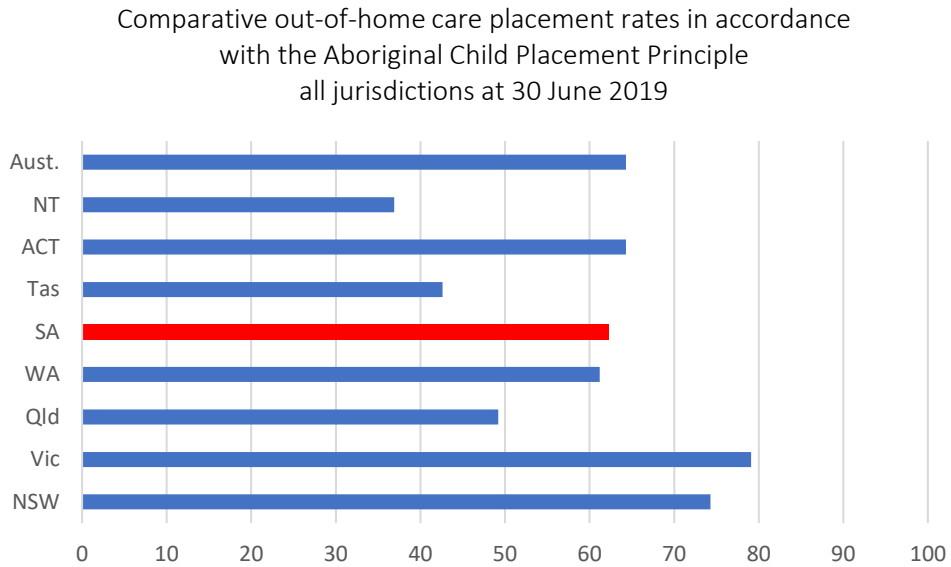


Chart 9 shows that the rate of out-of-home care placements in accordance with the Aboriginal Child Placement Principle in South Australia was exceeded by New South Wales, Victoria and the Australian Capital Territory. South Australia has dipped further below the national average at 30 June 2019 (62.3 compared to 64.3 per cent).

**Chart 9** (ROGS 2020, Table 16A.21)



#### 4.4 Placement type and residential care

Aboriginal children and young people in South Australia live in all available care services placement types.

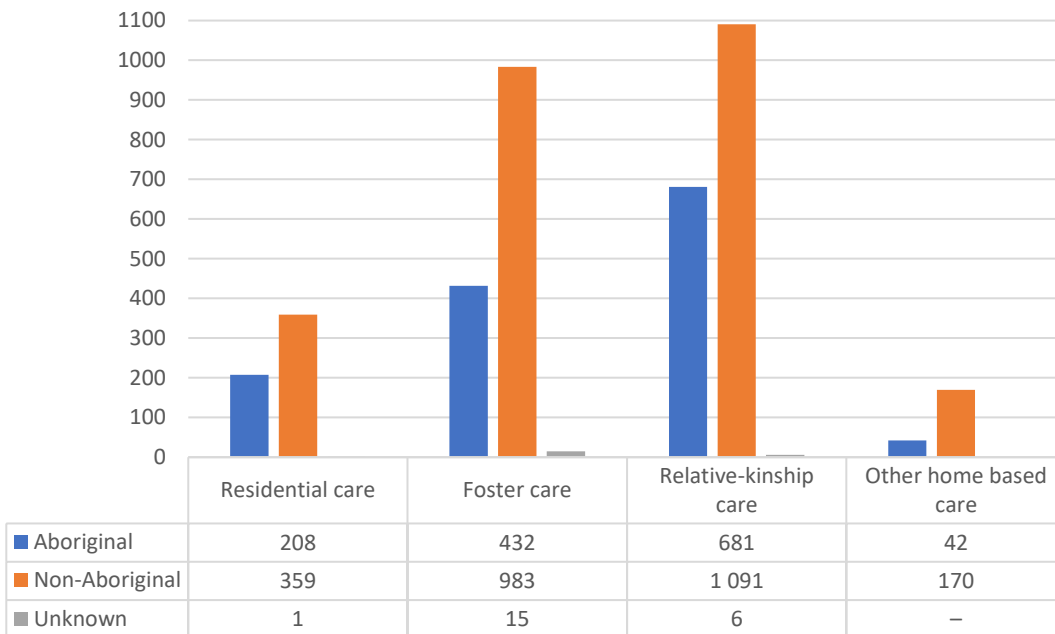
New counting rules for ‘residential care’ have been introduced to ROGS 2020 reporting. ‘Residential care’ now includes all residential care, commercial care and independent living placements.<sup>13</sup>

At 30 June 2019, 208 Aboriginal children and young people were accommodated in residential care, comprising 36.6 per cent of all children living in residential care.

This is a slightly higher proportion than the proportion of Aboriginal children and young people in the overall care population (1,363 of the total 3,988 children and young people, or 34.1 per cent).

**Chart 10** (ROGS 2020, Table 16A.19)

Number of children in care services by placement type and Aboriginal status, South Australia 30 June 2019



<sup>13</sup> See footnote (g) in Part F, Table 16A.19, ROGS 2020.

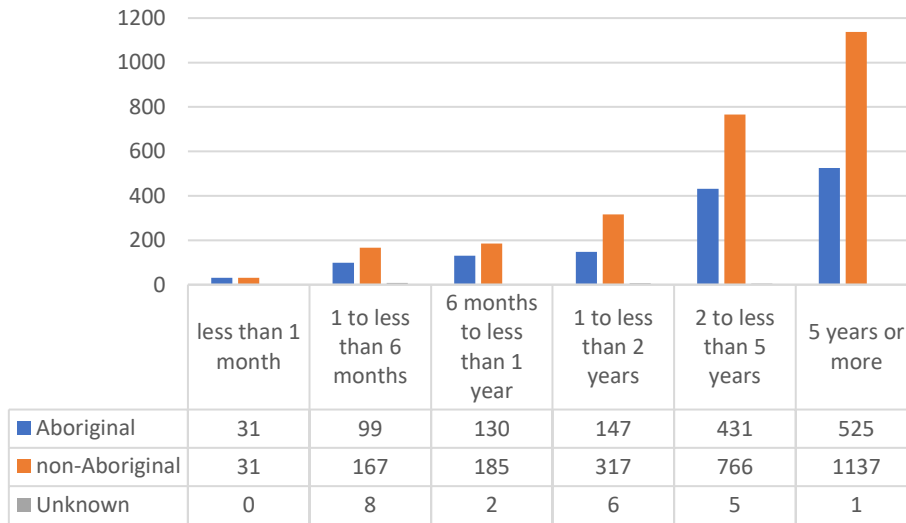


#### 4.5 Time spent in care

Of the 1,363 Aboriginal children and young people shown as being in continuous care services placements at 30 June 2019,<sup>14</sup> 525 (or 38.5 per cent) had been in this situation for five or more years. This is a *lower* rate than that applicable to non-Aboriginal children and young people (1,137 of 2,603 or 43.7 per cent).

**Chart 11** (ROGS 2020, Table 16A.16)

Comparative time spent by Aboriginal and non-Aboriginal 0-17 year olds in continuous, non-respite care services placements South Australia at 30 June 2019

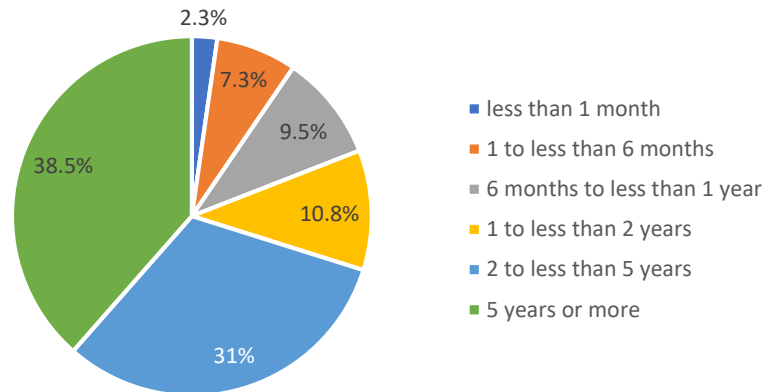


<sup>14</sup> This relates to the length of time leading up to the current 30 June reporting date for which the child or young person had continuously been in care.

Chart 12 shows that 31 per cent of Aboriginal 0 to 17 year olds had been in continuous care services placements for two but less than five years, and 38.5 per cent had been in continuous care for five years or more at 30 June 2019.

**Chart 12** (ROGS 2020, Table 16A.16)

Proportion of time spent in continuous non-respite care services placements by Aboriginal 0-17 year olds South Australia at 30 June 2019



## 5. Youth Justice Services

Chapter 17 of the *Report on Government Services 2019* reports on “services provided by statutory youth justice agencies that are responsible for the supervision and case management of young people who have committed or allegedly committed an offence; in particular, community-based supervision, detention-based supervision and group conferencing”.<sup>15</sup>

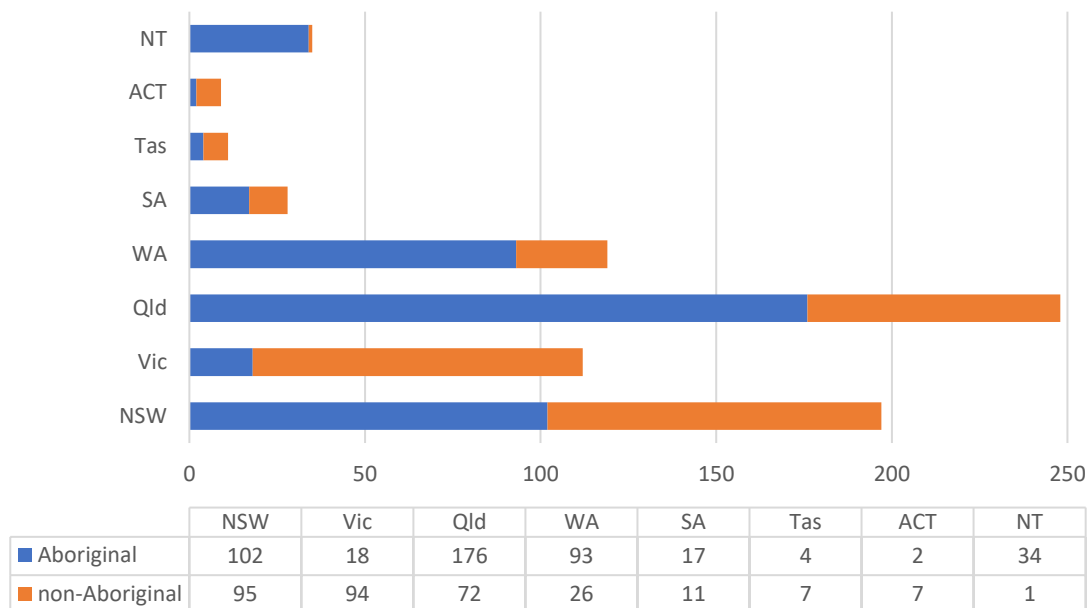
The number of females in detention is considerably lower than the number of males. In 2018-19 the daily average numbers in South Australia were three and 24 respectively. A similar, but lesser imbalance applies to those in community based supervision (2018-19 daily average numbers being 26 and 132 respectively).<sup>16</sup>

The following charts illustrate some of the key comparative features of the participation by Aboriginal 10 to 17 year olds in detention-based supervision within the youth justice system in South Australia. Chart 17 also provides information about those in community based supervision.

Chart 13 shows that the South Australian daily average number of Aboriginal compared to non-Aboriginal 10 to 17 year olds in detention was 17 and 11. This means that 60.7 per cent of the average daily population were Aboriginal.

**Chart 13** (source ROGS 2020, Table 17A.5)

Daily average number of Aboriginal and non-Aboriginal 10-17 year olds in detention by jurisdiction, 2018-19



<sup>15</sup> Productivity Commission *Report on Government Services 2020* Part F, Section 17.1, p 17.2.

<sup>16</sup> Ibid Part F, Tables 17A.3 and 17A.4.

When considered as a proportion per 10,000 young people, the rate of Aboriginal 10 to 17 year olds in detention in South Australia declined again in 2018-19 as averages across Australia declined. Whilst South Australia’s average was lower than the overall Australian average, it remains one of the highest compared to other jurisdictions, as demonstrated in Chart 14.

**Chart 14** – (source ROGS 2020, Table 17A.7)

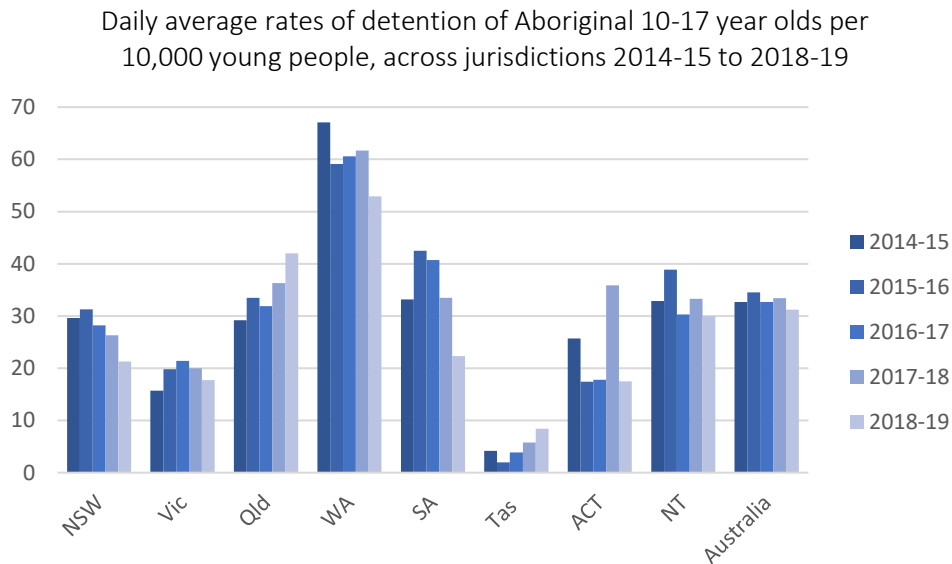
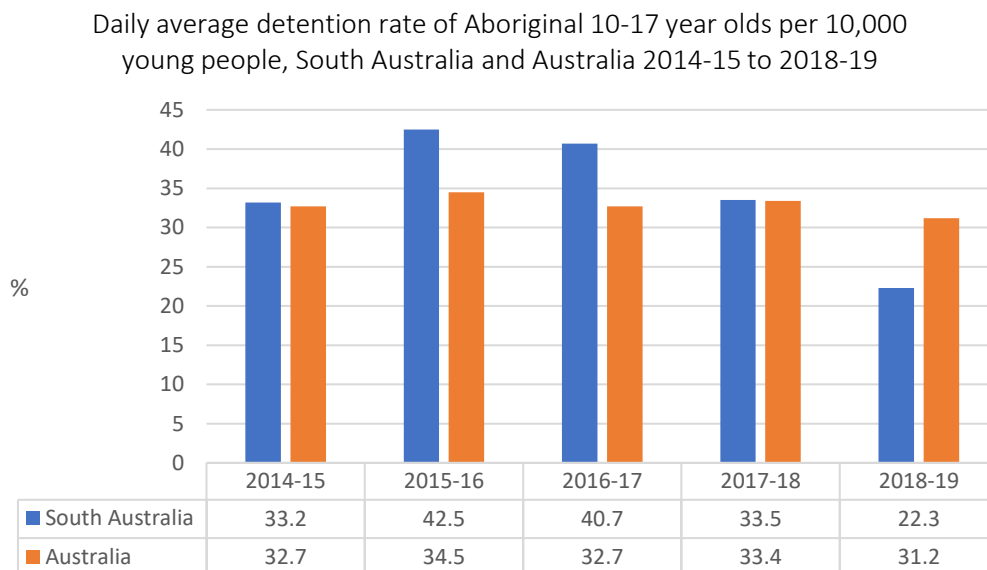


Chart 15 shows the daily average rate of Aboriginal 10 – 17 year olds in detention in South Australia compared to Australia when considered as a proportion per 10,000 young people. The number of Aboriginal 10 to 17 year olds in detention in South Australia during 2018-19 declined to its lowest rate in five years and was lower than the Australian average for the first time since 2014-15.

**Chart 15** (source ROGS 2020, Table 17A.7)



As demonstrated in Chart 16, the average rate of 10 to 17 year olds per 10,000 young people, in detention in South Australia in 2018-19 was 22.3 for Aboriginal compared with 0.7 for non-Aboriginal children and young people. This means that Aboriginal children and young people are 32 times more likely to be in detention than non-Aboriginal children and young people.

**Chart 16** – (source ROGS 2020, Table 17A.7)

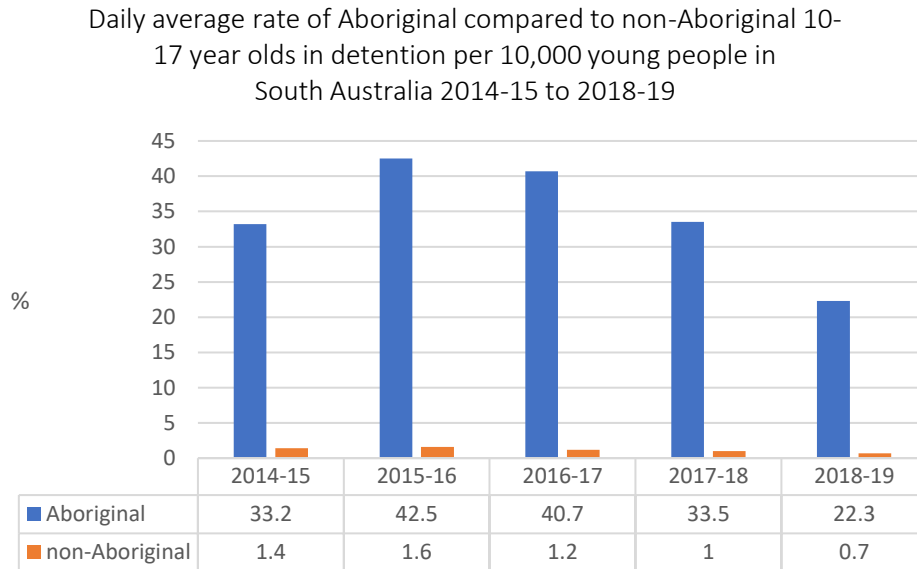
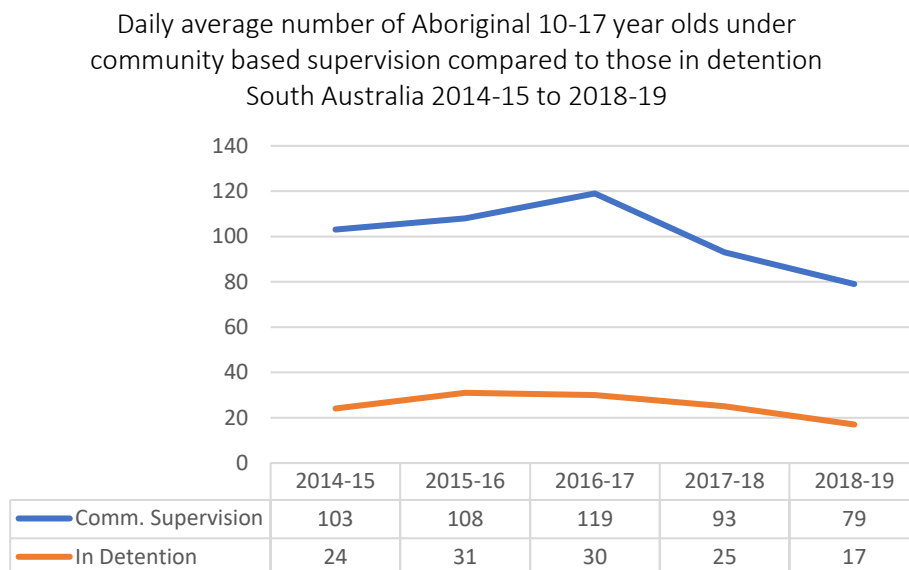


Chart 17 shows a relatively consistent relationship between the average daily number of Aboriginal 10 – 17 year olds under community based supervision orders compared to those who are held in detention over time.

**Chart 17** – (ROGS 2020, Tables 17A.5 and 17A.6)



As demonstrated in Chart 18, South Australia spent less, on average, per child aged 10 to 17 years in the population on detention-based youth justice services compared with the national average.

**Chart 18** – (source ROGS 2020, Table 17A.8)

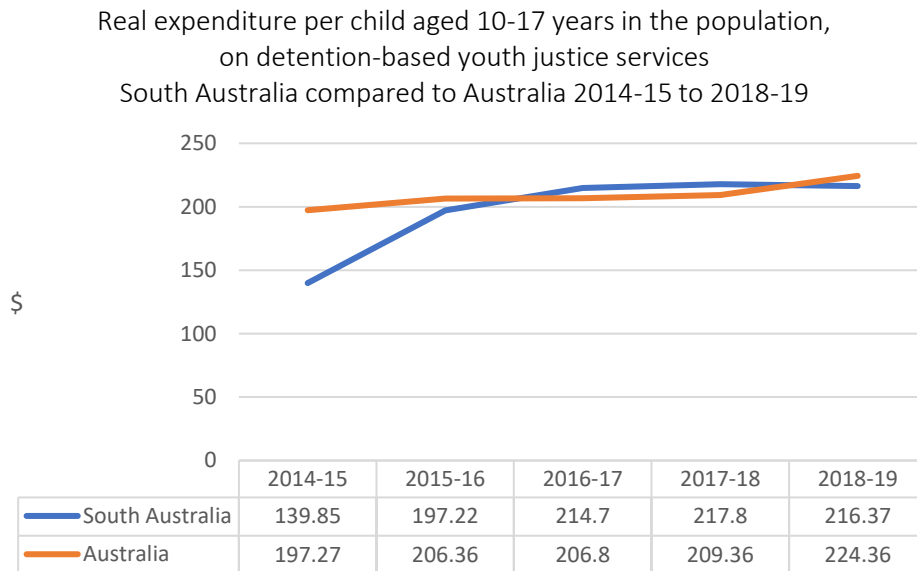


Chart 19 shows that South Australia had the fourth lowest rate of expenditure per child aged 10 to 17 years in the population on detention-based youth justice services when compared to all other jurisdictions in Australia.

**Chart 19** – (source ROGS 2020, Table 17A.8)

